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5 *Attorneys for the Defendant*

6 **UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 KEION JOE'L CHERRY,

11 Defendant.

Case No. 2:21-mj-00139-DJA

ORDER to Continue Preliminary Hearing
(Second Request)

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14 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
15 Acting United States Attorney; Lisa Cartier Giroux, Assistant United States Attorney; Kimberly
16 Sokolich, Assistant United States Attorney, representing the United States of America and Nadia
17 J. Ahmed, Esq., counsel for defendant Keion Joe'l Cherry, that the preliminary hearing in the
18 above captioned case, which is currently scheduled for April 26, 2021 at 4:00pm, be continued
19 and reset to a date and time convenient to the Court, but no sooner than sixty (60) days.

20 1. Current counsel was appointed to replace prior counsel on March 2, 2021 (ECF No.
21 14) and needs additional time to review discovery, to meet and confer with defendant, and to
22 discuss hearing strategies in this case.

23 2. The government has provided counsel for the defendant with limited Rule 16 pre-
24 indictment discovery. Counsel for the defendant requests additional time to review the discovery
and discuss it with her client prior to a preliminary hearing or indictment. Additionally, the parties

1 are discussing a pre-indictment resolution that may resolve the matter without a preliminary
2 hearing.

3 3. This continuance is not sought for purposes of delay, but to allow defense counsel
4 an opportunity to review discovery with her client and prepare for the preliminary hearing.

5 4. The defendant is not detained and agrees to the continuance.

6 5. Both counsel for the defendant and counsel for the government agree to the
6 continuance.

7 6. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may
8 extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing of good
9 cause taking into account the public interest in the prompt disposition of criminal cases. Because
10 the defendant requires time to review discovery with their client prior to the preliminary hearing,
11 good cause exists to extend the time limits in Rule 5.1(c).

12 7. The time from April 26, 2021, to the new preliminary hearing date will be
13 excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), which
14 provides that the Court may exclude time arising from a continuance upon finding that the ends
15 of justice served by granting the continuance outweigh the best interests of the defendant and the
16 public in a speedy trial.

17 8. Denial of this request could result in a miscarriage of justice, and the ends of justice
18 served by granting this request outweigh the best interest of the public and the defendants in a
19 speedy trial.

20 9. The additional time requested by this stipulation is excludable in computing the
21 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title 18, United
22 States Code, Section 3161(b), and considering the factors under Title 18, United States Code,
23 Section 3161(h)(7)(A) and (B)(i) and (iv).

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10. This is the second request to continue the preliminary hearing.

DATED this 20th day of April, 2021.

CHRISTOPHER CHIOU
Acting United States Attorney

/s/ Lisa C. Cartier Giroux
LISA C. CARTIER GIROUX
Assistant United States Attorney

/s/ Nadia Ahmed
NADIA AHMED, Esq.
Counsel for Defendant Anderson

/s/ Kimberly Sokolich
KIMBERLY SOKOLICH
Assistant United States Attorney

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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,) Case No.: 2:21-mj-00139-DJA
)
Plaintiff,) **Findings and Order on Stipulation**
)
vs.)
)
KEION JOE'L CHERRY,)
)
Defendant.)

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. Current counsel was appointed to replace prior counsel on March 2, 2021 (ECF No. 14) and needs additional time to review discovery, to meet and confer with defendant, and to discuss hearing strategies in this case.
2. The government has provided counsel for the defendant with limited Rule 16 pre-indictment discovery. Counsel for the defendant requests additional time to review the discovery and discuss it with her client prior to a preliminary hearing or indictment.
3. To allow the defense time to review the discovery with their client prior to the preliminary hearing and with the defendant's consent, the preliminary hearing in this case should be continued for good cause.
4. The defendant is not detained and agrees to the continuance.
5. Both counsel for the defendant and counsel for the government agree to the continuance.
6. This continuance is not sought for purposes of delay, but to allow defense counsel an opportunity to review discovery with their client prior to a preliminary hearing or indictment.
7. Denial of this request could result in a miscarriage of justice, and the ends of

1 justice served by granting this request outweigh the best interest of the public and
2 the defendants in a speedy trial.

3 8. The additional time requested by this stipulation is excludable in computing the
4 time within which the indictment must be filed pursuant to the Speedy Trial Act,
5 Title 18, United States Code, Section 3161(b), and considering the factors under
6 Title 18, United States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

7 9. This is the second request for a continuance of the preliminary hearing requested
8 by the parties.

9 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the above-
10 captioned matter currently scheduled for April 26, 2021 at 4:00 p.m. be vacated and continued to
11 June 28, 2021, at 4:00 p.m., Courtroom 3A.

12 DATED this 21st day of April, 2021.

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15 HONORABLE DANIEL J. ALBREGTS
16 United States Magistrate Judge
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